

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KAREN NOVICK,

Case No.: 1:09-cv-06865(RKE)

Plaintiff,

NOTICE OF APPEAL

-against-

METROPOLITAN LIFE INSURANCE COMPANY
AND THE METLIFE OPTIONS AND CHOICES
PLAN NO. 512,

Defendants.

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Notice is hereby given that defendants Metropolitan Life Insurance Company ("MetLife") and The MetLife Options and Choices Plan No. 512 (the "Plan") hereby appeal to the United States Court of Appeals for the Second Circuit from the Opinion and Order of Hon. Richard K. Eaton, Judge of U.S. Court of International Trade sitting by designation, which was filed in this Court on December 17, 2012 (Doc. No. 78), and the Judgment of the United States District Court for the Southern District of New York entered in this case on February 5, 2013 (Doc. No. 86), to the extent that the Order and Judgment granted plaintiff's motion for summary judgment and denied MetLife's motion for summary judgment on plaintiff's claim under the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §1001, et seq. ("ERISA") for an award of Short Term Disability ("STD") benefits under the Plan and remanded plaintiff's claim for Long Term Disability ("LTD") benefits under the Plan to MetLife for further consideration. Defendants also hereby appeal from the Memorandum and Order of Hon. Richard J. Holwell, U.S.D.J., filed in this Court on February 14, 2011, which denied the defendants' motion to dismiss plaintiff's complaint, in its entirety (Doc. No. 22).

Dated: February 8, 2013
New York, New York

s/

Michael H. Bernstein (MB-0579)

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*Metropolitan Life Insurance Company and The MetLife Options
and Choices Plan No. 512*

CERTIFICATE OF SERVICE

I, Michael H. Bernstein, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF APPEAL** was served via ECF on this 8th day of February, upon the following:

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Dated: February 8, 2013
New York, New York

s/

Michael H. Bernstein (MB-0579)